

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 10
91ST GENERAL ASSEMBLY

Reported from the Committee on Judiciary, May 9, 2001, with recommendation that the House Committee Substitute for Senate Committee Substitute for Senate Bill No. 10 Do Pass.

TED WEDEL, Chief Clerk

0358L.06C

AN ACT

To repeal sections 473.398, 490.130 and 516.350, RSMo 2000, relating to judicial procedures, and to enact in lieu thereof five new sections relating to the same subject.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 473.398, 490.130 and 516.350, RSMo 2000, are repealed and five
2 new sections enacted in lieu thereof, to be known as sections 473.398, 476.777, 488.636,
3 490.130 and 516.350, to read as follows:

473.398. 1. Upon the death of a person, who has been a recipient of aid, assistance, care,
2 services, or who has had moneys expended on his behalf by the department of health, department
3 of social services, **except for benefits paid from the blind pension fund**, or the department of
4 mental health, or by a county commission, the total amount paid to the decedent or expended
5 upon his behalf after January 1, 1978, shall be a debt due the state or county, as the case may be,
6 from the estate of the decedent. The debt shall be collected as provided by the probate code of
7 Missouri, chapters 472, 473, 474 and 475, RSMo.

8 2. Procedures for the allowance of such claims shall be in accordance with this chapter,
9 and such claims shall be allowed as a claim of the seventh class under subdivision (7) of section
10 473.397.

11 3. Such claim shall not be filed or allowed if it is determined that:

12 (1) The cost of collection will exceed the amount of the claim;

13 (2) The collection of the claim will adversely affect the need of the surviving spouse or

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 dependents of the decedent to reasonable care and support from the estate.

15 4. Claims consisting of moneys paid on the behalf of a recipient as defined in 42 U.S.C.
16 1396 shall be allowed, except as provided in subsection 3 of this section, upon the showing by
17 the claimant of proof of moneys expended. Such proof may include but is not limited to the
18 following items which are deemed to be competent and substantial evidence of payment:

19 (1) Computerized records maintained by any governmental entity as described in
20 subsection 1 of this section of a request for payment for services rendered to the recipient; and

21 (2) The certified statement of the treasurer or his designee that the payment was made.

22 5. The provisions of this section shall not apply to any claims, adjustments or recoveries
23 specifically prohibited by federal statutes or regulations duly promulgated thereunder. Further,
24 the federal government shall receive from the amount recovered any portion to which it is
25 entitled.

**476.777. 1. There is hereby established in the state treasury a special fund, to be
2 known as the "Missouri CASA Fund". The state treasurer shall credit to and deposit in
3 the Missouri CASA fund all moneys which may be appropriated to it by the general
4 assembly and also any gifts, contributions, grants, bequests or other aid received from
5 federal, private or other sources. The general assembly may appropriate moneys into the
6 fund to support the court-appointed special advocate (CASA) program throughout the
7 state.**

8 **2. The state treasurer shall invest moneys in the Missouri CASA fund in the same
9 manner as surplus state funds are invested pursuant to section 30.260, RSMo. All earnings
10 resulting from the investment of moneys in the fund shall be credited to the Missouri
11 CASA fund.**

12 **3. The state courts administrator shall administer and disburse moneys in the
13 Missouri CASA fund based on the following requirements:**

14 (1) The office of state courts administrator shall set aside funding for new start-up
15 CASA programs throughout the state;

16 (2) Every recognized CASA program shall receive a base rate allocation, with
17 availability of additional funding based on the number of children with abuse or neglect
18 cases under the jurisdiction of the court; and

19 (3) All CASA programs being considered for funding shall be recognized by and
20 affiliated with the state and national CASA associations.

21 **4. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys
22 in the Missouri CASA fund shall not revert to the credit of the general revenue fund at the
23 end of the biennium.**

488.636. In addition to all other court costs for domestic relations cases, the circuit

2 clerk shall collect an additional surcharge in the amount of one dollar per case for each
3 domestic relations petition filed before a circuit judge or associate circuit judge. Such
4 surcharges collected by circuit court clerks shall be collected and disbursed as provided
5 by sections 488.010 to 488.020. Such fees shall be payable to the state treasurer, to be
6 deposited into the Missouri CASA fund.

490.130. The records of judicial proceedings of any court of the United States, or of any
2 state, attested by the clerk thereof, with the seal of the court annexed, if there be a seal, and
3 certified by the judge, chief justice or presiding associate circuit judge of the court to be attested
4 in due form, shall have such faith and credit given to them in this state as they would have at the
5 place whence the said records come. Copies from the record of proceedings of any court of this
6 state, attested by the clerk thereof, with the seal of the court annexed, if there be a seal, or if there
7 be no seal, with the private seal of the clerk, shall be received as evidence of the acts or
8 proceedings of such court in any court of this state. Records of proceedings of any court of this
9 state contained within any statewide court automated record-keeping system established by the
10 supreme court shall be received as evidence of the acts or proceedings in any court of this state
11 **without further certification of the clerk, provided that the location from which such**
12 **records are obtained is disclosed to the opposing party.**

516.350. 1. Every judgment, order or decree of any court of record of the United States,
2 or of this or any other state, territory or country, except for any judgment, order, or decree
3 awarding child support or maintenance **or dividing pension, retirement, life insurance, or**
4 **other employee benefits in connection with a dissolution of marriage, legal separation or**
5 **annulment** which mandates the making of payments over a period of time **or payments in the**
6 **future**, shall be presumed to be paid and satisfied after the expiration of ten years from the date
7 of the original rendition thereof, or if the same has been revived upon personal service duly had
8 upon the defendant or defendants therein, then after ten years from and after such revival, or in
9 case a payment has been made on such judgment, order or decree, and duly entered upon the
10 record thereof, after the expiration of ten years from the last payment so made, and after the
11 expiration of ten years from the date of the original rendition or revival upon personal service,
12 or from the date of the last payment, such judgment shall be conclusively presumed to be paid,
13 and no execution, order or process shall issue thereon, nor shall any suit be brought, had or
14 maintained thereon for any purpose whatever.

15 2. In any judgment, order, or decree awarding child support or maintenance, each
16 periodic payment shall be presumed paid and satisfied after the expiration of ten years from the
17 date that periodic payment is due, unless the judgment has been otherwise revived as set out in
18 subsection 1 of this section. This subsection shall take effect as to all such judgments, orders,
19 or decrees which have not been presumed paid pursuant to subsection 1 of this section as of

20 August 31, 1982.

21 **3. In any judgment, order, or decree dividing pension, retirement, life insurance,**
22 **or other employee benefits in connection with a dissolution of marriage, legal separation**
23 **or annulment, each periodic payment shall be presumed paid and satisfied after the**
24 **expiration of ten years from the date that periodic payment is due, unless the judgment has**
25 **been otherwise revived as set out in subsection 1 of this section. This subsection shall take**
26 **effect as to all such judgments, orders, or decrees which have not been presumed paid**
27 **pursuant to subsection 1 of this section as of August 28, 2001.**

28 [3.] **4.** In any judgment, order or decree awarding child support or maintenance, payment
29 duly entered on the record as provided in subsection 1 of this section shall include recording of
30 payments or credits in the automated child support system created pursuant to chapter 454,
31 RSMo, by the division of child support enforcement or payment center pursuant to chapter 454,
32 RSMo.